

### **REMARKS**

Claims 8-17 are pending. Claims 1-7 have been previously canceled. Claims 8-13 have been allowed.

Claim 14-17 are rejected.

Claim 17 is canceled. Claim 14 is amended by incorporating the subject matter of claim 17. Support for the amendment can be found throughout the application, for instance in the specification and claims as originally filed. No new matter is added.

Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,042,555 to Raimondi et al. ("Raimondi").

Applicants respectfully traverse the anticipation rejection as it may apply to the amended claims. Applicants note that claim 17 is not rejected as being anticipated by Raimondi. Thus, by amending claim 14 to incorporate the limitations of claim 17, the rejection under 35 U.S.C. § 102(b) is rendered moot.

Additionally, Applicants take this opportunity to note that the presently claimed invention is distinguishable from the disclosure in Raimondi for additional reasons. The rubber composition recited in claim 14 has excellent tensile strength, elongation, and abrasion resistance, which are suitable for use as a rubber composition for a tire tread, a side wall and other rubber products. The rubber composition is obtained by blending a rubber composition of claim 14 to an incompatible polymer blend (i) comprising at least two diene-based rubbers containing at least one conjugated diene monomer and, optionally, at least one aromatic vinyl monomer forming two polymer phases (A) and (B), wherein the polymer phase (A) is compatible with a block (a) of the block copolymer

and is incompatible with a block (b) of the block copolymer and wherein the polymer phase (B) is compatible with the block (b) of the block copolymer and is incompatible with the block (a) of the block copolymer (see claim 8).

Raimondi discloses a water-emulsified composition containing 100 phr of a styrene-elastomer block copolymer having 60 - 90% of an elastomer midblock comprising isoprene or ethylene-butylene, 20 - 80 phr of a poly( $\alpha$ -methylstyrene) having a softening point of about 200 - 300°F and 40 - 900 phr of a butylene copolymer comprising 85 - 98% of mono-olefin (see claim 1).

Table IX of Raimondi discloses water-emulsified compositions comprising Kraton 1107, Amoco Resin 18-210 (i.e.,  $\alpha$ -methylstyrene polymer), Polybutene L-14, L-100 or H-100 (i.e., butylene polymer) and the other additions, wherein the amounts of  $\alpha$ -methylstyrene polymer and butylene polymer are smaller than that of Kraton 1107. As disclosed in the cited U.S. Patent No. 5,422,378 to Vo (see column 6, lines 14 - 18), the weight average molecular weight of Amoco Resin 18-210 is 11,900 and, as disclosed in the cited U.S. Patent No. 4,123,409 to Kaelble (see column 4, lines 25 - 32), the molecular weights of Kraton 1107 are 50,000 - 84,000 and the molecular weights of polystyrene block and polyisoprene block in Kraton 1107 are 8,000 - 12,000 and 34,000 - 60,000, respectively. According to Raimondi, adhesives and sealants having superior physical properties are provided (set col. 1, lines 56 - 61).

As mentioned above, according to Raimondi, the butylene polymer and the  $\alpha$ -methylstyrene polymer were blended to the styrene-elastomer block copolymer. In contrast, according to the invention defined in claims 14-16, the polymer ( $\alpha$ ) and the

polymer ( $\beta$ ) blended to the block copolymer are selected from IR (polyisoprene rubber), BR (polybutadiene rubber), SBR (styrene-butadiene copolymer rubber) and SIBR (styrene-isoprene-butadiene copolymer rubber). Raimondi neither teaches nor suggests the use of IR, BR, SBR and SIBR instead of the butyrene polymer and  $\alpha$ -methylstyrene polymer. Thus the above-mentioned results would not have been expected based on the teachings of Raimondi. Consequently, the invention of claims 14-16 are neither taught nor suggested by Raimondi. For these foregoing reasons, reconsideration and withdrawal of the rejection of claims 14-16 under 35 U.S.C. § 102(b) are respectfully requested.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 778,852 to Futamura et al. ("Futamura").

Applicants respectfully traverse this rejection, as it may apply to the amended claims. Applicants submit that Futamura does not teach or suggest the limitations of claim 14. Accordingly, Applicants note that Futamura relates to a roofing composition comprising 5 - 95 parts by weight of the specified thermoplastic elastomer and 5 - 95 parts by weight of a vulcanizable elastomer selected from an ethylene-propylene-diene terpolymer (EPDM), butyl rubber, neutralized sulfonated EPDM, neutralized sulfonated butyl rubber and mixtures thereof. As disclosed in column 9, lines 41 - 52, the butyl rubber is a copolymer comprising 85 - 99.8% by weight of combined isoolefin having 4 - 7 carbon atoms (e.g., isobutylene) and 0.2 - 15% by weight of combined conjugated multiolefin (e.g., isoprene). The roofing compositions according to Futamura have high mechanical strength in the unvulcanized state and, upon vulcanization, exhibit excellent

weathering resistance, thermal resistance and oil and solvent resistance (see column 3, lines 59 - 64).

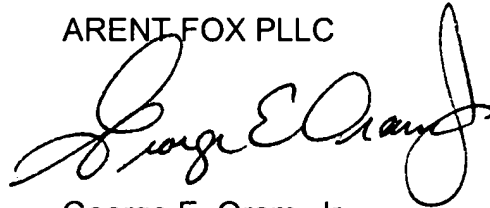
As noted above, according to Futamura, the vulcanizable elastomer is selected from EPDM, butyl rubber, neutralized sulfonated EPDM, neutralized sulfonated butyl rubber and mixtures thereof and is blended with the specified thermoplastic elastomer. In contrast, according to amended claim 14, the polymer ( $\alpha$ ) and the polymer ( $\beta$ ), which are blended to the block copolymer, are selected from IR (polyisoprene rubber), BR (polybutadiene rubber), SBR (styrene-butadiene copolymer rubber) and SIBR (styrene-isoprene-butadiene copolymer rubber). Futamura neither teaches nor suggests the use of IR, BR, SBR and SIBR as the vulcanizable elastomer. In other words, the above-mentioned results obtained from the invention of claims 14-16 would not have been expected from the teachings or suggestions of Futamura. Consequently, Applicants submit that the invention of present claims 14-16 is neither taught nor suggested by Futamura. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 14-17 under 35 U.S.C. § 103(a).

In view of the amendments and remarks above, Applicants submit that this application, and remaining claims 8-16, are in condition for allowance and request favorable action thereon.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees, which may be required with respect to this paper referencing Attorney Docket No. 100021-09056.

Respectfully submitted,

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Enclosure: Petition for Extension of Time (3 months)